

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CRIMINAL NO. 04-10288-RWZ

UNITED STATES OF AMERICA)
)
v.)
)
)
CARLOS ESPINOLA, ET AL.,)
Defendants)

DEFENDANT'S MOTION
FOR *VOIR DIRE* OF
PROSPECTIVE JURORS

NOW COMES DEFENDANT CARLOS ESPINOLA in the above-captioned matter and hereby moves this Honorable Court pursuant to F.R.Crim.P.24(a)(2)(B) and the Fifth and Sixth Amendments to the United States Constitution to ask all prospective jurors the questions set forth herein. As grounds therefore, the Defendant avers that such examination is necessary to determine whether or not each prospective juror stands indifferent or would be affected by bias or prejudice in this case.

1. Have you or anybody among your family or friends or acquaintances ever been involved in an incident with somebody who was accused of a narcotics crime, including Oxycontin?
2. Do you have any specific knowledge of Oxycontin, and if so, would this affect your ability to be impartial?
3. Are you willing to consider a person accused of a crime involving Oxycontin to be innocent until proven guilty as you are with people charged with other crimes?
4. Have you or anybody among your immediate family ever held any job in a) a law enforcement agency, b) the local police, c) the State Police, d) the FBI, or e) the DEA (Drug Enforcement Administration)?

5. Does your job cause you, your friends, or any of your immediate family to work with any law enforcement agency not mentioned previously?
6. With respect to questions 4 and 5, if answered in the affirmative, would this relationship cause you to sympathize with, give greater credibility to, or in any manner favor the prosecution because their job is to enforce the law?
7. Some of the witnesses in this case are police officers and some are federal agents. In light of this fact, if one of these witnesses were to say a certain thing happened or offered a certain description or analysis of the facts or circumstances, and another witness who was not a police officer or agent testified that the event happened differently or that the facts or circumstances were different, would you believe the law officer simply because he or she was a police officer?
8. Do you or anyone you know belong to any organizations whose purpose is to lobby for stronger drug laws?
9. Are you, someone you know, or any member of your immediate family a member of Narcotics Anonymous, NarcAnon, or any similar group? If so, would this affect your ability to be impartial in this type of case?
10. Is this case familiar to you in any way; specifically, have you heard, read, or been told anything about it, or about anyone allegedly involved in it, prior to arriving at Court this morning?

The Defendant moves that any affirmative responses to any of the *voir dire* questions set forth above be addressed with individual questioning out of the hearing of the jury pool as a group, but in the presence of the Defendant.

Respectfully submitted,
CARLOS ESPINOLA
By his attorney,

May 5, 2006

/s/ Bradford Eliot Keene
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing System on May 5, 2006.

/s/ Bradford Eliot Keene
Bradford Eliot Keene